

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

RECEIVED & FILED  
JULY 21 2001  
CLERK OF COURT  
U.S. DISTRICT COURT  
SAN JUAN, P.R.

Benigno Santiago-Becerrill,  
Petitioner,

V.

United States of America,  
Respondent.

**CASE NUMBER: 98-2125 (HL)**

**MOTION**

**Date Filed: 5/15/01      Docket # 7      [x] Plffs    [] Defts**

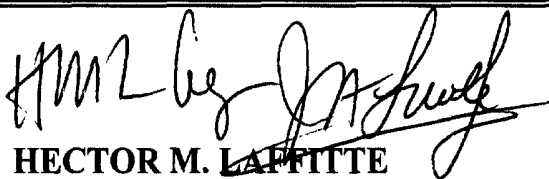
**Title: Application for Certificate of Appealability**

**Opp'n Filed:              Docket #**

**ORDER**

Petitioner has filed a request for a certificate of appealability. A district court may issue a certificate of appealability only if the petitioner makes a "substantial showing of the denial of a constitutional right." 28 U.S.C.A. § 2253(c)(2) (West Supp. 2000). The standard of review for a certificate of appealability is the same standard as the one which was used for certificates of probable cause. *Nelson v. Walker*, 121 F.3d 828, 832 n.3 (2nd Cir. 1997); *Lennox v. Evans*, 87 F.3d 431, 433-34 (10th Cir. 1996). Thus, the petitioner need not show that he should prevail on the merits; instead, he must demonstrate that (1) the issues are debatable among reasonable jurists; (2) a court could resolve the issues in a different manner; or (3) there are questions adequate enough to deserve encouragement to proceed further. *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4 (1983); *Mahdi v. Marshall*, 976 F.Supp. 93, 94 (D.Mass. 1997). Unfortunately for Petitioner, his request for a certificate of appealability satisfies none of these requirements. Accordingly, Petitioner's request for a certificate of appealability is hereby denied.

5/17/01  
Date

  
**HECTOR M. LAFITTE**  
Chief U.S. District Judge

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